

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

MANETIRONY CLERVRAIN,

Plaintiff,

vs.

MIKE DUNLEAVY,

Defendants.

Case No. 3:20-cv-00279-RRB

ORDER CLARIFYING THAT THIS CASE IS CLOSED

Manetirony Clervrain, representing himself from Moore Detention Center in Oklahoma, where he was then incarcerated, filed an initial document entitled “Motion for Consideration and Compelling Imposition Financial Burden by Invoking The Ant(s) Movement Act (‘TAMA’),” and an application to waive the filing fee.¹

On February 3, 2021, the Court screened the “Complaint,” as required under 28 U.S.C. § 1915(e)(2)(B), and dismissed the case without leave to amend,² because permitting leave to amend would have been futile.³ The Court’s Dismissal

¹ Dockets 1, 2.

² Docket 3; Docket 4 (2/4/21 Judgment); see also *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (liberal construction of pro se pleadings) (citing *Bretz v. Kelman*, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985) (en banc)).

³ See *Gordon v. City of Oakland*, 627 F.3d 1092, 1094 (9th Cir. 2010) (citing *Albrecht v. Lund*, 845 F.2d 193, 195 (9th Cir. 1988)).

and Judgment were returned to the Court as undeliverable on March 1, 2021.⁴ Nothing further was filed in this case until Mr. Clervrain filed a “Notice of Change of Address After Release From the Agencies Illegal Detention,” on July 1, 2021, providing an address in Indiana.⁵

In addition, Mr. Clervrain has filed the following:

Docket 8, “Motion for [‘Prompt Notice(s)’] OR [‘Their Expertise Act’] (‘TEA’), or Opinion(s) by the National Issues Regulatory Treaties Act (‘NIRTA’);

Docket 9, what appears to be a table of contents, with additional papers, totaling 133 pages;

Docket 10, “Motion for [‘Judicial Intervention(s)’] and Clarification Necessary by Invoking the Movement(s) on Crimes Mitigating Act (‘MOCMA’); and

Docket 11, an additional 142 pages of material.

⁴ Dockets 5, 6.

⁵ See Docket 7.

The Court again takes judicial notice⁶ that Mr. Clervrain has filed dozens of similar cases around the United States.⁷ In this case, Mr. Clervrain has again filed incomprehensible, frivolous papers much like he has filed in other courts. Westlaw, in fact, shows an additional 22 federal court orders or recommendations

⁶ Judicial notice is the “court’s acceptance, for purposes of convenience and without requiring a party’s proof, of a well-known and indisputable fact; the court’s power to accept such a fact” *Black’s Law Dictionary* (11th ed. 2019); see also *Headwaters Inc. v. U.S. Forest Service*, 399 F.3d 1047, 1051 n. 3 (9th Cir. 2005) (“Materials from a proceeding in another tribunal are appropriate for judicial notice.”) (citation omitted); see also Fed. R. Evid. 201.

⁷ See, e.g., *Clervrain v. Cissna*, 20-CV-2197(EK)(LB), 2021 WL 2953219, at *1 (E.D. N.Y., July 14, 2021 (Almost a year after dismissal, “Plaintiff, who is no longer incarcerated, filed two motions in this case: one entitled a ‘Motion for a More Definite Statement for Mitigating Financial Burden or (“IFP”) Constitutional Issues by Massive issues [“Right Aggravated”] Treatment Act,’ ... and another entitled a ‘Motion for More Definite Statement for [“Prompt Notices”] or [“Their Expertise Act”] (“TEA”), or Opinions by the National Issues Regulatory Treaties Act (“NIRTA”)’.... I now vacate my prior Order dismissing the case, direct the Clerk of Court to reopen the action for purposes of this Order, dismiss the complaint on the merits, and deny Plaintiff’s recent motions as moot.”) (citations to docket omitted); *Clervrain v. Bingham*, No. CIV-21-675-R, 2021 WL 3686691, at *1 (W.D. Oklahoma July 12, 2021) (Mr. Clervrain “is a prolific pro se litigator. As noted by the District Court of Wisconsin in November 2020, Plaintiff has ‘filed more than 100 cases in federal court, most of which have been dismissed as frivolous or for failure to state a claim upon which relief may be granted.’”) (citing *Clervrain v. Cuccinelli*, No. 20-cv-989-bbc, 2020 WL 6702003, at *1 (W.D. Wis. Nov. 13, 2020)).

addressing Mr. Clervrain's federal cases around the country after the dismissal in this case.⁸

As previously explained, in accordance with federal law, a court must dismiss a case "at any time if the court determines that . . . the action or appeal-- (i) is frivolous or malicious."⁹

The Clerk of Court is directed to re-send Dockets 3 and 4 to Mr. Clervrain.

This case has been dismissed with prejudice, as frivolous, and it is CLOSED.

IT IS SO ORDERED.

Dated at Anchorage, Alaska this 27th day of August, 2021.

/s/ Ralph R. Beistline
Senior U.S. District Judge

⁸ See, e.g., *Clervrain v. Duran, et al.*, No. 1:20-cv-01329-KWR-JFR, 2021 WL 3674783, at *1 (D. N.M. Aug. 19, 2021) ("Plaintiff is a prolific litigator and has filed more than 100 cases in federal courts, most of which lack any connection to the forum state and have been dismissed as frivolous or for failure to state a claim upon which relief can be granted.") (citations omitted); *Clervrain v. Grimes*, CIVIL ACTION NO. 3:21-CV-394-GNS, 2021 WL 3356332, at *1 (W.D. Kentucky Aug. 2, 2021) ("While the complaint itself is typed and legible, the words often do not form coherent sentences, nor do they convey clear thoughts. Plaintiff has filed a number of similar suits in district courts throughout the country.") (citation omitted); *Clervrain v. Marshall*, 3:21-cv-316-GCM, 2021 WL 3009021, at *1 (W.D. N.C. July 15, 2021); ("Plaintiff initiated the instant action by filing a 261-page "Motion for ['Prompt Notices(s)'] or ['Their Expertise Act'] ('TEA') or Opinion(s) by the National Issues Regulatory Treaties Act ('NIRTA')," which was docketed as a civil rights Complaint.").

⁹ 28 U.S.C. § 1915(e)(2)(B).